



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,682	07/08/2003	Robert Garcia	27614-2	9807
23879 7590 05/02/2007 BRIAN M BERLINER, ESQ O'MELVENY & MYERS, LLP 400 SOUTH HOPE STREET LOS ANGELES, CA 90071-2899			EXAMINER QIN, YIXING	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/615,682

Applicant(s)

GARCIA, ROBERT

Examiner

Yixing Qin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/8/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 23-26 and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. These claims claim that other subsets of images can be sent to another computer for uploading to a host site. Neither the specification nor the drawings disclose the aspect of transferring images from one user computer to another user computer. The Examiner will take the stance that this is simply transferring certain images from one computer to another and uploading files from the other computer for the rejection below. Appropriate correction or explanation of where in the description is contained in the specification is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2625

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1-22 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manolis et al (U.S. Patent No. 6,583,799)

Regarding claim 1, Manolis discloses a method for distributed image processing comprising:

The Manolis reference discloses a method for transmitting images for printing at a photofinisher.

It does not explicitly disclose "processing image data at a user computer that includes a user memory, the user memory including a user database;"

However, column 1, lines 53-62 discloses the use of a hard disk. The hard disk can contain a database, since it is just storing a collection of image data. Also note column 2, lines 32-50. Note that in Fig. 7, the server uses an image database, so it would be obvious for the user computer to use one as well to organize image files.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a database to organize files.

The motivation would have been to be able to organize a plurality of image files.

Therefore, it would have been obvious to improve to obtain the invention as specified.

storing image related data and the processed image data in the user database; (column 2, lines 32-50)

transmitting the image related data and the processed image data from the user computer to a host site in communication with the user computer, the host site including a host memory, and the host memory including a host database; (column 2, line 51 – column 3, line 5) and,

storing the image related data and the processed image data in the host database. (Fig. 7, item 520)

Regarding claim 2, Manolis discloses the method of Claim 1 further comprising a customer computer sending input data to the host site, and the host site selectively retrieving processed image data and image related data from the host database based on the input data. (Figs. 2A-2F)

Regarding claim 3, Manolis discloses the method of Claim 2 further comprising the host site sending an image order to the user computer based on the input data (column 2, lines 58-67) , and

the user computer selectively transmitting image data for ordered images in a high resolution format to an image laboratory based on the image order, wherein the input data further comprises the image order. (column 2, line 66 – column 3, line 5 and column 9, lines 28-35)

Regarding claim 4, Manolis discloses the method of Claim 2 further comprising adding a JPEG header to the retrieved processed image data. (Fig. 4 and column 6, lines 44-57)

Regarding claim 5, Manolis discloses the method of Claim 1 further comprising entering image related data at the user computer, (column 5, lines 39-67) and creating the user database based on the image related data. Again, claim 1 discusses a database, and it would have to be created in order for image data to be stored.

Regarding claim 6, Manolis discloses the method of Claim 1 wherein the processing step further comprises converting the image data to a JPEG format. (Fig. 4 and column 6, lines 44-57)

Regarding claim 7, Manolis discloses the method of Claim 1 wherein the processing step further comprises manipulating the image data. (column 5, lines 39-67)

Regarding claim 8, Manolis discloses the method of Claim 7 wherein the processing step further comprises at least one of the following steps: cropping the image data or rotating the image data. (column 2, lines 41-43)

Regarding claim 9, Manolis discloses the method of Claim 1 further comprising storing in the user memory the image data in a high resolution format, the image data

Art Unit: 2625

corresponding to a plurality of images, (column 2, lines 4-10) wherein the processing step further comprises selectively compressing, based on user preferences, image data for a subset of the plurality of images into at least a thumbnail or a low resolution format. (Figs. 3, 4, 9)

Regarding claim 10, Manolis discloses the method of Claim 8 further comprising transmitting the image data for the subset of the plurality of images in at least one of the thumbnail or the low resolution format to the host site. (column 9, line 66 – column 10, line 4)

Regarding claim 11, Manolis discloses the method of Claim 1 further comprising automatically processing the image data at the user computer when a user requests automatic processing. (Fig. 4 and column 6, lines 44-57)

Regarding claim 12, Manolis discloses a system for distributed image processing comprising:

a host site including a host communication device and a host memory (Fig. 7), the host communication device configured to receive processed image data and image related data from a user computer (column 1, lines 53-67, column 2, lines 32 – column 3, line 5), and the host memory in communication with the host communication device, wherein the host memory includes a host database, and the host database includes the

Art Unit: 2625

processed image data and the image related data; (Fig. 7 shows variety of servers, one of which is a DB server) and

a user computer in communication with the host site wherein the user computer includes a user processing unit configured to process image data, a user memory configured to store a user database that includes the processed image data and the image related data, and a user communication device configured to transmit the processed image data and the image related data to the host site. (column 1, lines 25-44)

Regarding claim 13, Manolis discloses the system of Claim 12 wherein the processed image data further comprises image data in at least one of a thumbnail or a low resolution format. (Figs. 3, 4, 9)

Regarding claim 14, Manolis discloses the system of Claim 12 wherein the user processing unit is configured to automatically process the image data by compressing image data in a high resolution format to image data in at least one of a thumbnail or a low resolution format. (Figs. 3, 4, 9)

Regarding claim 15, Manolis discloses the system of Claim 12 wherein the user processing unit is configured to automatically process the image data by converting the image data into a predetermined format. (Fig. 4 and column 6, lines 44-57)

Regarding claim 16. The system of Claim 15 wherein the predetermined format is a JPEG format. (Fig. 4 and column 6, lines 44-57)

Regarding claim 17, Manolis discloses the system of Claim 12 further comprising a customer computer in communication with the host site, the customer computer configured to transmit an image order to the host site, wherein the host site is configured to transmit the image order to the user computer. (Fig. 2A-2F – the customer gets the image order forms from the browser, which obtains the information from the host site.)

Regarding claim 18, Manolis discloses the system of Claim 17 further comprising an image laboratory comprising a communication device and an output device, the user computer configured to selectively transmit to the image laboratory image data in a high resolution format based on the image order, wherein the image laboratory communication device is configured to receive the image data in the high resolution format and the image laboratory output device is configured to print an image based on the image data in the high resolution format: (column 2, line 66 – column 3, line 5 and column 9, lines 28-35. Also see Fig. 7)

Regarding claim 19, Manolis discloses a method for distributed image storage comprising:

storing a plurality of images in a high resolution format and at least one of

a thumbnail or a low resolution format at a user computer; (Figs. 4, 5, column 7, lines 17-42)

selecting a subset of the plurality of images for transmission to a host site;
transmitting the selected subset of images in at least one of the thumbnail or the low resolution format to the host site; (Figs. 4, 5, column 7, lines 17-42)

receiving the subset of images at the host site; (Figs. 4, 5, column 7, lines 17-42)
and providing access to the subset of images to a customer based on a customer identifier. (Figs. 2A-F, 8, 9)

Regarding claim 20, Manolis discloses the method of Claim 19 further comprising sending an image order from a customer computer to the host site. (Figs. 2A-2F)

Regarding claim 21, Manolis discloses the method of Claim 20 further comprising the host site receiving the image order from the customer computer, and the host site sending the image order to the user computer. (Fig. 2A-2F – the customer gets the image order forms from the browser, which obtains the information from the host site.)

Regarding claim 22, Manolis discloses the method of Claim 21 further comprising the user computer receiving the image order from the host site, and the user computer sending ordered images in a high resolution format to an image laboratory based on the image order received from the host site, the ordered images being a subset of the plurality of images. (Fig. 2A-2F and column 2, line 66 – column 3, line 5)

Regarding claim 27, Manolis discloses a system for distributed image processing comprising:

a user computer comprising a user memory and a user communication device, wherein the user memory includes a plurality of images in a high resolution format and at least one of a thumbnail or a low resolution format, and the user communication device is configured to transmit a subset, based on user preferences, of the plurality of images in at least one of the thumbnail or the low resolution format to a host site; (Figs. 2-5) and,

the host site in communication with the user computer, the host site including a communication device and a memory, wherein the host communication device is configured to receive the subset of the plurality of images in at least one of the thumbnail or the low resolution format, and the host memory includes the subset of the plurality of images, the host site providing access to the subset of the plurality of images to a customer computer based on a customer identifier. (Column 2, line 66 – column 3, line 5. Figs. 2A-F, 8, 9)

Regarding claim 28, Manolis discloses the system of Claim 27 further comprising the customer computer in communication with the host site, the customer computer including a communication device, the customer communication device configured to transmit an image order to the host site. (column 1, lines 38-44).

Regarding claim 29, Manolis discloses the system of Claim 28 wherein the host communication device is configured to receive the image order from the customer computer and transmit the image order to the user computer. (Column 2, line 66 – column 3, line 5. Figs. 2A-F)

Regarding claim 30, Manolis discloses the system of Claim 29 further comprising an image laboratory, the image laboratory including an output device and a communication device, wherein the user computer communication device is configured to transmit ordered images in the high resolution format to the image laboratory based on the image order, the ordered images being a subset of the plurality of images, wherein the image laboratory communication device is configured to receive the ordered images in the high resolution format and the image laboratory output device is configured to output the ordered images. (column 2, line 66 – column 3, line 5 and column 9, lines 28-35. Fig. 7 shows a lab subsystem)

II. Claims 23-26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manolis et al (U.S. Patent No. 6,583,799) in view of Official Notice

Regarding claim 23-26, the Manolis reference discloses the uploading of selected images to a photofinisher for printing.

It does not explicitly disclose 23) storing other pluralities of images in the high resolution and at least one of the thumbnail or the low resolution formats at other user computers. 24) selecting other subsets of the other pluralities of images for transmission to the host site at the other user computers. 25) transmitting the other selected subsets of images in at least one of the thumbnail or the low resolution format to the host site. 26) receiving the other subsets of images at the host site.

However, Manolis describes the above claimed methods at a current user's computer. The claims differ in that one can send images to another computer and perform the uploading from that other computer. The Examiner takes Official Notice since transferring of information is well known. The Manolis reference also uses a website uploading mechanism so any Internet connected computer can perform uploading.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have uploaded selected other images from any other computer.

The motivation would have been to allow other computers to have digital content and to upload it there, if that computer has, for example, a better Internet connection.

Therefore, it would have been obvious to alter Manolis to obtain the invention as specified.

Regarding claim 31, Please see the rejection to claims 23-26 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ


TWYLER LAMB
SUPERVISORY PATENT EXAMINER